

COMPLAINTS POLICY & PROCEDURE

for adoption by all CDAT schools

This policy is informed by the Christian values which are the basis for all of CDAT's work and any actions taken under this policy will reflect this.

'*Blessed are those who act justly, who always do what is right'*

Psalm 106:3

Approved by	Date	Review Schedule	Date of next review
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1. Introduction

All schools within CDAT take concerns and complaints seriously and are keen that they are resolved at the earliest possible stage. The Department for Education (DfE) describes concerns and complaints in this way:

- A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved quickly and satisfactorily. Many issues of concern can be resolved informally, without the need to use the formal stages of the complaints procedure - this is outlined as 'Stage 1 - Informal concerns & complaints'. In the event that these initial approaches fail to resolve a complaint, this policy lays out the procedures that should be followed to allay any concerns about a particular issue.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may raise a concern or make a complaint to the school about any provision of facilities or services that we provide, although concerns/complaints referring to individual pupils would be expected to be raised by the pupils' parents/carers. The school will not typically investigate anonymous complaints . For all concerns/complaints, unless they are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions - see below), we will use this complaints procedure.

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014. Any complaint will be investigated.

2. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by <Academy Name>, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	**Who to contact**
Admissions to schools	• Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	• Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. • If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <insert LADO/MASH details>.
Whistleblowing	• We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. • The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. • Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Exclusion of children from school*	• Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. • **complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy>.*
Staff grievances	• Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	• Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. • Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

3. Timescales

You must raise a complaint within three months of any specific incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. School holidays and weekends are not considered as working days for the purposes of this policy: therefore, typically, 5 working days equates to a calendar week within term time.

At each stage of this procedure, timescales are identified for various actions. Our school (and the trust) will make every effort to keep within these timescales but where there are genuine and unavoidable reasons for delay (such as prolonged periods of staff absence), complainants will be informed of the delay and an amended deadline for the completion of actions.

4. Resolving Complaints

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

5. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing, and the headteacher will follow this up in writing

6. Stage 1 - Informal concerns & complaints

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers should raise the concern initially with the Class Teacher or the Headteacher as appropriate. The school will make every effort to ensure that informal complaints are resolved within 15 working days of being raised.

A concern which has not been resolved by informal means within 15 working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

7. Stage 2 - Formal complaints

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Headteacher of the school concerned or the Chair of the Local Governance Committee (LGC) if it is a complaint regarding the Headteacher. Should a formal written complaint be received by another member of the school's staff or LGC, this should be immediately passed to the Headteacher, or Chair of the LGC.

The complaint will be acknowledged in writing normally within 5 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

The Headteacher may deal with the matter personally or delegate a senior member of staff to act as 'investigating officer'. The 'investigating officer' may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher or investigating officer will meet or speak with the parent/carer to discuss the matter. CDAT's CEO will be informed of any formal complaints received and their outcome.

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 20 working days from the receipt of the complaint. Please note that any complaint received during a school/school holiday or within 20 working days of the end of term or half term may take longer to resolve.

Written records will be kept of any formal, written complaints that are received. These written records will include:

- records of meetings and interviews held in relation to the complaint
- a record of whether a complaint is resolved at Stage 2 (following the formal procedure) or proceed to Stage 3 (hearing of a Complaints Panel)
- a record of any actions taken by the school as a result of a complaint (regardless of whether a complaint is upheld or not)

Where a complaint is more broadly concerned with aspects of the leadership of the school and so involves both the Headteacher and Chair of Governors, the complaint may be escalated to the CEO of CDAT, in line with best practice guidelines: https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures

Should the concern/complaint be more generally about the Trust (including about the trustees and senior employees) then the processes outlined in the DfE's model policy will be followed in terms of responsibility for investigating any complaint and regarding the make-up of any complaints panel: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/968943/Model_complaints_procedure_academy_in_a_multi-academy_trust.odt

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Where the complainant is not satisfied with the school's response to their complaint they may have their complaint considered by an Independent Complaints Panel.

8. Stage 3 - Appeal to a Complaints Panel

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 15 working days of the date of the school decision made at Stage 2.

Where an appeal is received, the school will within 5 working days refer the matter to the Clerk of the Governors or other person appointed to act as Clerk to the Complaints Panel. Unless the complaint is about the Chair of the LGC, the Clerk will inform the Chair and will acknowledge, in writing, receipt of the appeal within 5 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant and will keep the Chair of the LGC informed of the process

The Clerk will, in discussion with the Chair of the LGC, aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

The Panel will consist of two members of the LGC who have not previously been involved in the complaint, and one person independent of the management and running of the school. The Panel will select its own Chair.

9. Complaints Panel: Roles and Responsibilities

The role of the Clerk:
All panels considering complaints must be clerked. The Clerk is the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decisions

The role of the Chair of the LGC:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

The role of the Chair of the Panel:
The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents or others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties.
- if a new issue arises all parties are given the opportunity to consider and comment on it.

10. The Panel Hearing

The Panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- make findings and recommendations, a written copy of which will be available for inspection on the school premises by the trust and headteacher

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- the parents/carers and/or one representative
- the Headteacher and/or one representative
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

11. Decision

The Panel will reach a decision, and make any recommendations within 15 working days of the hearing. The decision reached is final.

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the LGC, CDAT's CEO and the Headteacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

The School will keep a record of all appeals, decisions and recommendations of the Complaints Panel and inform CDAT's CEO.

If the complainant feels that their complaint has not been managed within the procedures set out here they may contact CDAT's CEO. At this stage, the CEO will review that the complaint has been dealt with in line with trust policy: the substance of the complaint itself will not be reviewed.

If the complainant still believes the school/trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DFE after they have completed Stage 3. The DFE will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the school and trust have adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the DFE online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to The Academy Complaints and Customer Insight Unit, Education and Skills Funding Agency, Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT

12. Unacceptable behaviour

The LGC and CDAT recognise the importance of their role in dealing with complaints. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

CDAT and the LGC are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, they do not expect the school's staff to tolerate behaviour by complainants, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school/school premises, including the playground.

If the Headteacher considers that a complainant's behaviour is unacceptable, the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Headteacher will take action to restrict the complainant's contact with school.

Unacceptable actions and behaviours may include:

- foul and abusive language towards staff, other parents and pupils
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication
- undermining school/school policies by actively encouraging pupils to ignore staff requests
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses
- combinations of some or all of these.

The decision to restrict access to our school/school will be taken by the Headteacher.

Any restrictions imposed will be appropriate and proportionate. The options most likely to considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases the Headteacher will write to tell the complainant why it believes his or her behaviour is unacceptable, what action is being taken and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, the school may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However the LGC will seek to limit any detriment to any pupils who attend the school, as far as is reasonable within these circumstances e.g. access to parents evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, other options will be considered, for example reporting the matter to the police or taking legal action.

13. Vexatious complainants

There are a small number of complainants who, because of their frequent contact with the school, hinder consideration of their or other people's complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Headteacher will take action to limit their contact.

Actions and behaviours of unreasonable and unreasonably persistent (vexatious) complainants may include:

- refusing to specify the grounds of a complaint, despite offers of assistance with this from the school's staff.
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.

- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- adopting a disproportionate, 'scattergun' approach: pursuing a complaint or complaints with the school and, at the same time, with multiple other organisations, thus giving the school no opportunity to respond to the complaint
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous school staff, writing lengthy complex letters every few days and expecting immediate responses.
- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- combinations of some or all of these.

The decision to restrict access to the school will be taken by the Headteacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options most likely are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases, the Headteacher will write to tell the complainant why his or her behaviour falls into that category, what action is being taken and the duration of that action. They will also tell them how they can challenge the decision if they disagree with it. If the school decides to carry on treating someone as an unreasonably persistent complainant and they are still investigating their complaint six months later, they will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with the school about it, they may decide to terminate contact with that complainant. In such cases, the Headteacher or Chair of the LGC will read all correspondence from that complainant, but unless there is fresh evidence which affects the decision on the complaint they'd will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

14. Confidentiality

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.